

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARK BRYANT,

Defendant.

NO. 3:18-cr-144

CHIEF JUDGE CRENSHAW

ORDER

Trial in this matter commenced on February 4, 2019, and the jury began deliberations on February 7, 2019. Approximately 10:38 a.m. on February 8, 2019, the jury indicated that it could not come to agreement on any of the counts. After consulting with counsel, on the record, the Court issued Sixth Circuit Criminal Pattern Jury Instruction 9.04 (“Deadlocked Jury”). The jury retired to deliberate further. At approximately 2:00 p.m. on February 8, 2019, the jury indicated a second time that it still could not reach an agreement on any of the counts. The Court, following a procedure affirmed by the Court of Appeals for the Sixth Circuit in United States v. Capozzi, 723 F.3d 720, 728 (6th Cir. 2013), asked each juror (at the bench, with counsel) individually whether he or she believed that further deliberations might lead to a unanimous decision. As in Capozzi, every juror, and several emphatically, responded that he or she did not believe further deliberations would help facilitate an unanimous verdict. The Court concluded that the jury was genuinely deadlocked justifying a mistrial. Accordingly, the Court declares a **MISTRIAL**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Waverly D. Crenshaw, Jr.", written over a horizontal line.

WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE